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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

9 THOMAS ROSENBURG, et al.

10 Plaintiffs, No. C 06-0430 PJH

11 v. **NOTICE AND ORDER**

12 INTERNATIONAL BUSINESS
MACHINES CORPORATION,

13 Defendant.

14 _____/

15 The court hereby notifies the parties that it is in receipt of a letter from a would-be
16 claimant to the settlement fund, Mr. David Quist. According to Mr. Quist, his claim form
17 was either “lost or mismanaged” during the claims administration process, as the claims
18 administrator’s office informed Mr. Quist that the claim administrator has no record of Mr.
19 Quist’s claim.

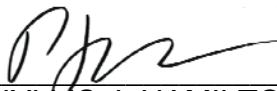
20 As no proof of service was filed with Mr. Quist’s letter, the court hereby notifies all
21 counsel of Mr. Quist’s filing – which will be scanned and filed concurrently with the instant
22 notice – so that counsel may act upon the filing to the extent necessary. The court
23 furthermore instructs the parties to file a brief response to Mr. Quist’s letter, via letter filed
24 with the court, with an explanation as to how or why any claim filed by Mr. Quist was not
25 acted upon by the claim administrator, or in the event no such claim is found, an
26 explanation of the efforts undertaken to ascertain whether Mr. Quist in fact filed such a
27 claim. The parties shall furthermore inform the court as to the final status of the settlement
28 fund, and whether and when all monies under the fund were paid to all valid class

United States District Court
For the Northern District of California

1 members. Such letter shall be filed with the court no later than **March 7, 2008**.
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3 **IT IS SO ORDERED.**

4 Dated: February 28, 2008


5 PHYLIS J. HAMILTON
6 United States District Judge

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